

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 6-26 are pending in this application. Claim 6 is amended by the present response. Claims 16-26 are allowed. Claims 7-15 were objected to as dependent upon a rejected base claim, but were noted as allowable if rewritten in independent form to include all of the limitations of their base claims and any intervening claims. Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over WO 98/54538 to Mangolds in view of U.S. patent 4,154,012 to Miller.

Initially, applicants gratefully acknowledge the indication of the allowance of claims 16-26 and of the allowable subject matter in claims 7-15. With respect to the indication of the allowable subject matter in Claims 7-15, applicants note that each of Claims 7 and 8 is amended by the present response to be rewritten in independent form, and each of Claims 9-15 depends either directly or indirectly from one of now independent Claims 7 and 8. Therefore, Claims 7-15 are believed to be allowable.

Addressing now the rejection of claim 6 under 35 U.S.C. § 103(a) as unpatentable over Mangolds and Miller, that rejection is traversed by the present response.

Claim 6 is amended by the present response to clarify a feature therein. Specifically, claim 6 now clarifies that the cloth shot bags are connected to each other “by a solid cloth sheet material” such that the plurality of cloth shot bags are configured to strike a target when the non-killing cartridge is fired”.

According to the non-killing cartridge set forth in amended Claim 6, the cloth shot bags are connected to each other by a solid cloth sheet material and are intended to strike a target. That subject matter is believed to be clear from the original specification, see for example Figures 1 and 2 showing the respective solid cloth sheet material 1 and 4 connecting the respective shot bags 2 and 5.

The above-noted feature clarified in the claims is believed to clearly distinguish over the applied art.

More particular, Mangolds does not disclose any structure in which the weights 18-32, cited in the Office Action as corresponding to the claimed “cloth bags”, are connected to each other by a solid cloth sheet material. In contrast Mangolds disclose the weights 18-32 are merely provided as weights for a net, and thus are not connected to each other by a solid sheet cloth material.

Moreover, applicants note that in Mangolds the cloth bean bags are merely provided as weights for the net and are not designed to strike a target. That is, Mangolds is directed to a non-killing cartridge in which a net 34 is provided in the cartridge and weights 18, 20, 22, etc. are provided for the net. Thus, in Mangolds the net is designed to strike a target when the cartridge is fired, and the weights are merely provided to allow proper trajectory of the net.

In contrast to Mangolds, Claim 6 further recites that the cloth shot bags are connected to each other and “are configured to strike a target when the non-killing cartridge is fired”. That feature is believed to clearly distinguish over the teachings in Mangolds.

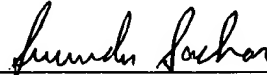
With respect to that feature the outstanding Office Action appears to interpret such a feature as not a positive limitation but only an ability to so perform. Applicants traverse that position and note that it is the structure of the connection of the cloth shot bags that allows the cloth bags to strike a target, and that structure clearly differs from the teachings in Mangolds. Therefore, applicants believe that it is improper to disregard such a limitation.

In view of the foregoing reasons, applicants respectfully submit that amended independent Claim 6 clearly distinguishes over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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